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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,712	08/07/2003	Hiraku Murayama	1011350-000318	1927

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BUCHANAN, INGERSOLL & ROONEY PC  
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ALEXANDRIA, VA 22313-1404

EXAMINER
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FOREMAN, JONATHAN M

ART UNIT	PAPER NUMBER
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3736

NOTIFICATION DATE	DELIVERY MODE
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04/01/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

## Office Action Summary

Application No.

10/635,712

Applicant(s)

MURAYAMA ET AL.

Examiner

JONATHAN ML FOREMAN

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 7 and 31 – 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3, 5, 7 and 31 – 46 is/are allowed.
- 6) ☒ Claim(s) 47-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 47 – 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 5 – 6 of claim 47 recite, “a welded portion formed by the welding has a projection projecting in the outer peripheral direction”. Then, lines 8 – 10 recite, “the welded portion does not extend farther radially outwardly than an enlarged proximal-most end portion of the first wire and does not extend farther radially outwardly than a distal-most end portion of the second wire.” It is unclear how a welded portion can be considered a projection if the welded portion does not extend farther than either the first or second wire. Although unclear, the claims have been reviewed by the examiner as best understood at this time in order to continue with the examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 47 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,865,768 to Orr in view of JP03089426A to Kawada et al.

In regard to claims 47 and 51, Orr discloses a first wire (30) disposed on a distal side of said guide wire; a second wire (25) disposed on a proximal side from said first wire; the first and second wire are joined to each other by welding (Col. 2, line 54) and a cover layer of a friction reducing material is disposed over the welded portion (Col. 3, lines 8 – 9). The cover layer extends over the entire guidewire (Col. 3, lines 8 – 9). A spiral coil covers at least a distal end portion of the first wire (Figure 1). The proximal-most end of the first wire possesses an end face substantially perpendicular to an axis of the first wire and the distal-most end of the second wire possesses an end face substantially perpendicular to an axis of the second wire (Figure 1). The first wire includes an enlarged proximal-most end portion possessing an outer dimension greater than an immediately adjacent portion of the first wire on the distal side of the proximal-most end portion having a substantially constant outer diameter (Figure 1). The second wire includes a reduced outer diameter portion (Col. 2, lines 54 -64). The first and second wires are joined by welding at a welded portion (Col. 2, lines 54 – 54). The welded portion does not extend farther radially outwardly than the enlarged proximal-most end portion of the first wire or the second wire (Figure 1). The welded portion is at an approximate center of the first and second wire (Figure 1) Orr fails to disclose the second wire comprising an enlarged distal-most end portion possessing an outer dimension greater than an immediately adjacent portion of the second wire on the proximal side of the distal-most end portion. Kawada et al. teach welding a first and second wire together and increasing the area of a weld section by including a large diameter section to improve weld strength (Purpose). The enlarged diameter section includes an approximately circular-arc shape (Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the diameter of the distal-most end

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portion of the second wire as taught by Kawada et al. to increase the area of the weld section and improve weld strength (Purpose).

***Allowable Subject Matter***

4. Claims 1, 3, 5, 7 and 31 – 46 are allowed. Claims 49 and 50 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN ML FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. F./  
Examiner, Art Unit 3736

/Max Hindenburg/  
Supervisory Patent Examiner, Art Unit 3736